IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 2842 of 2007(L)

AGAINST THE ORDER IN IA.1985/2006 IN
EOP.15/2005 of MUNSIF COURT, KUTHUPARAMBA
.....

PETITIONER:

PALUMMI SATHEESH CHANDRAN, S/O.KELAPPAN,
VIETNAM COLONY, P.O. KEEZHPALLI, ARALAM,
THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.M.V.BIPIN

RESPONDENT:

KOLLAMKOTTUTHARAPPIL BABU, S/O.DEVASSIA,
ODAKKAL, ARALAM P.O., THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.V.C.JAMES
SRI.GEORGE MECHERIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, ALONG WITH WPC NO. 970 OF 2007 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE ELECTION PETITION E.O.P.15/2005.

EXT.P2: COPY OF THE COUNTER FILED BY THE RESPONDENT NO.1. IN THE ELECTION PETITION.

EXT.P3: COPY OF THE AFFIDAVIT IN SUPPORT OF I.A.NO.1985/2006.

EXT.P4: COPY OF THE COUNTER FILED BY THE RESPONDENT NO.1 IN THE ELECTION PETITION.

EXT.P5: COPY OF THE ORDER DATED 18.12.2006 IN I.A.NO.1985/2006 IN E.O.P.15/2006.

EXT.P6: COPY OF THE PETITION DATED 2.1.2007.

EXT.P7: COPY OF THE PETITION DATED 21.12.2006.

TRUE COPY

P.A.TO JUDGE

PIUS C. KURIAKOSE,J.

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W.P.(C) No.2842 of 2008

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Dated: 7th February, 2008

JUDGMENT

Under challenge in this Writ Petition is Ext.P7 order of the Council of the Panchayat deciding to decline the petitioner's application for establishment of a gas bottling plant. Even though several documents have been produced by the petitioner to show that the reasons stated in Ext.P7 are incorrect, I am of the view that the petitioner has to exhausts his statutory remedies available against Ext.P7 before invoking the extraordinary constitutional jurisdiction of this court under Article 226 of the Constitution. I dispose of the Wriit Petition relegating the petitioner to his statutory remedies on Ext.P7 before the Tribunal for Local Self Government Institutions. If the Tribunal receives an appeal from the petitioner within two weeks from today, the Tribunal will entertain the appeal notwithstanding the apparent delay and dispose of the same in accordance with law. In the prospective appeal at least one of the persons who filed complaint before the Panchayat Council against the proposed establishment of the gas bottling plant shall be made a respondent.

srd **PIUS C.KURIAKOSE, JUDGE**